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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

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10 ROSA G. PEREZ.)

11 Plaintiff(s),)

12 vs.)

13 MICHAEL J. ASTRUE, *et al.*,)

14 Defendant(s).)
15 _____)

2:04-cv-1402-RLH-RJJ

ORDER

16 Before this Court is the Report and Recommendation of United States Magistrate
17 Judge (#30, filed March 31, 2008), entered by the Honorable Robert J. Johnston, regarding the
18 Ninth Circuit's Memorandum Opinion (#24). No objection was filed to Magistrate Judge Johnston's
19 Report and Recommendation of United States Magistrate Judge in accordance with Local Rule IB
20 3-2 of the Rules of Practice of the United States District Court for the District of Nevada, and the
21 matter was submitted for consideration.

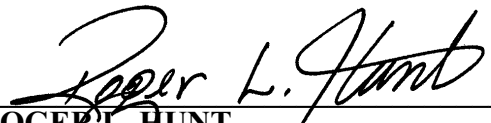
22 The court has conducted a *de novo* review of the record in this case in accordance
23 with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Report and
24 Recommendation of Magistrate Judge Johnston should be accepted and adopted.

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1 IT IS THEREFORE ORDERED that Magistrate Judge's Report and Recommenda-
2 tion (#30, entered March 31, 2008) is AFFIRMED and ADOPTED and the matter is remanded to
3 the Administrative Law Judge for further proceedings consistent with the findings and conclusions
4 stated in the Report and Recommendation.

5 Dated: May 7, 2008.

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8 **ROGER L. HUNT**
9 Chief U.S. District Judge
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